

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ISAAH J. KENNEDY,

Plaintiff,

V.

CREDENCE RESOURCE
MANAGEMENT, and AMSHER
COLLECTION SERVICES,

Defendants.

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CIVIL ACTION NO. SA-23-CV-00470-FB

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Before the Court is the Report and Recommendation of United States Magistrate (docket no. 126), filed on August 12, 2024, concerning Plaintiff's claims against Defendants T Mobile and Santander Consumer USA, as well as Defendant Navy Federal Credit Union's Opposed Motion for Court Order of Dismissal and Attorney's Fees (docket no. 124). No objections have been filed to date.¹


Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

¹Any party who desires to object to a Magistrate's findings and recommendations must serve and file written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing ." FED. R. CIV. P. 5(b)(2)(C). If service is made by electronic means, "service is complete upon transmission." *Id.* at (E).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 126) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that: (1) Defendant Navy Federal Credit Union's Opposed Motion for Court Order of Dismissal and Attorney's Fees (docket no. 124) is GRANTED IN PART AND DENIED IN PART as follows: Mr. Kennedy's claims against Navy Federal Credit Union are DISMISSED but the request for fees is DENIED WITHOUT PREJUDICE to refiling an amended fee motion with supporting evidence; and (2) Mr. Kennedy's claims against Defendants T Mobile and Santander Consumer USA are DISMISSED for failure to prosecute. Having accepted the Magistrate Judge's recommendations, the only remaining Defendants in this case are Credence Resource Management and Amsher Collection Services.

It is so ORDERED.

SIGNED this 11th day of September, 2024.



FRED BIERY
UNITED STATES DISTRICT JUDGE